Case 1:08-cv-00526 Documentified 1:08-cv-00526 Page 2 of 32

From: TMDesignCodeComments

Sent: Wednesday, December 19, 2007 00:11 AM

To: vern@francissenpatentlaw.com

Subject: Notice of Design Search Code and Pseudo Mark for Serial Number: 77351695

ATTORNEY REFERENCE NUMBER: HTC07-001TM

The USPTO may assign design search codes and/or pseudo marks, as appropriate, to new applications and renewed registrations to assist in searching the USPTO database for conflicting marks. They have no legal significance and will not appear on the registration certificate.

DESIGN SEARCH CODES are numerical codes assigned to figurative, non-textual elements found in marks. For example, if your mark contains the design of a flower, design search code 05.05 would be assigned to your application. Design search codes are described on Internet Web page http://www.uspto.gov/tmdb/dscm/index.html.

A PSEUDO MARK may be assigned to marks that include words, numbers, compound words, symbols, or acronyms that can have alternative spellings or meanings. For example, if the mark comprises the words 'YOU ARE' surrounded by a design of a box, the pseudo mark field in the USPTO database would display the mark as 'YOU ARE SQUARE'. A mark filed as 'URGR8' would receive a pseudo mark of 'YOU ARE GREAT'.

You are not required to respond to this notice. However, if you would like to suggest additions or changes to the design search codes or pseudo mark assigned to your mark, please send an email to tmbesignCodeComments@USPTO.GOV or call 1-800-786-9199 to speak to a Customer Service representative. No fee is necessary. (Please include the serial number of your application on ALL correspondence with the USPTO.) The USPTO will review your request and update the record if appropriate.

The USPTO will not send any further response to your e-mail. Check TESS in approximately two weeks to see if the requested changes have been entered. Requests deemed unnecessary or inappropriate will not be entered.

Design search codes and pseudo marks assigned to the referenced serial number are listed below.

DESIGN SEARCH CODES:

03.17.01 - Wings, birds'

PSEUDO MARK:

MIYANO; MACHINE

PTO Form 1478 (Rev 9/2006)

OMB No. 0651-0009 (Exp 09/30/2008)

Trademark/Service Mark Application, Principal Register

Serial Number: 77351695 Filing Date: 12/13/2007

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	77351695
MARK INFORMATION	
*MARK	\\TICRS2\EXPORT14\\773\\516\\77351695\\xml1\\APP0002.JP G
SPECIAL FORM	YES
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	M
COLOR MARK	NO
DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of A stylized letter M with bird wings.
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	554 x 348
APPLICANT INFORMATION	
*OWNER OF MARK	Tom Miyano
DBA/AKA	Toshiharu Miyano
*STREET	50 Dundee Lane
*CITY	Barrington Hills
*STATE (Required for U.S. applicants)	Illinois
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	60010-5106
PHONE	847-382-2794
EMAIL ADDRESS	miyano@miyanohitec.com
LEGAL ENTITY INFORMATION	
ТҮРЕ	INDIVIDUAL
COUNTRY OF CITIZENSHIP	United States
GOODS AND/OR SERVICES AND BASIS INFORMATION	

*INTERNATIONAL CLASS	009
*DESCRIPTION	Machine Tools, Industry machinery instruments (exclude CNC Lathe/Automatic Lathe, Automatic Tapping Machine), Power machinery instruments, Wind & Water power machinery instruments, Office machinery instruments, other machinery instruments which are not specified above, and machine accessories and elements
FILING BASIS	SECTION 44(e)
FOREIGN REGISTRATION NUMBER	200879
FOREIGN REGISTRATION COUNTRY	Japan
FOREIGN REGISTRATION DATE	12/18/1987
FOREIGN REGISTRATION EXPIRATION DATE	12/18/2007
FOREIGN REGISTRATION RENEWAL DATE	07/23/1997
FOREIGN REGISTRATION FILE NAME(S)	
ORIGINAL PDF FILE	
ADDITIONAL STATEMENTS SECTION	
MISCELLANEOUS STATEMENT	The Trademark Office is directed to U.S. Registration No. 1,217,317, which is the subject of Cancellation no. 92047422, and Application no. 77/176,918. Also, Tom Miyano, also known as Toshiharu Miayno, is owner of Japanese registration no. 2008979 as the legal heir to Sumiko Miyano. Supporting documentation and translations thereof are available.
ATTORNEY INFORMATION	
NAME	Vernon W. Francissen
ATTORNEY DOCKET NUMBER	HTC07-001TM
STREET	53 W. Jackson Blvd., Suite 1320
СІТУ	Chicago
STATE	Illinois
COUNTRY	United States
ZIP/POSTAL CODE	60604
PHONE	312-294-9980
FAX	312-275-8772
EMAIL ADDRESS	vern@francissenpatentlaw.com
AUTHORIZED TO COMMUNICATE VIA EMAN	Vac

CORRESPONDENCE INFORMATION	
NAME	Vernon W. Francissen
STREET	53 W. Jackson Blvd., Suite 1320
CITY	Chicago
STATE	Illinois
COUNTRY	United States
ZIP/POSTAL CODE	60604
PHONE	312-294-9980
FAX	312-275-8772
EMAIL ADDRESS	vern@francissenpatentlaw.com
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
FEE INFORMATION	
NUMBER OF CLASSES	1
FEE PER CLASS	325
*TOTAL FEE PAID	325
SIGNATURE INFORMATION	·
SIGNATURE	/Thomas Miyano/
SIGNATORY'S NAME	Tom Miyano
SIGNATORY'S POSITION	Owner
DATE SIGNED	12/13/2007

PTO Form 1478 (Rev 9/2006)

OMB No. 0651-0009 (Exp 09/30/2008)

Trademark/Service Mark Application, Principal Register

Serial Number: 77351695 Filing Date: 12/13/2007

To the Commissioner for Trademarks:

MARK: M (stylized and/or with design, see mark) The literal element of the mark consists of M.

The mark consists of A stylized letter M with bird wings.

The applicant, Tom Miyano, DBA/AKA Toshiharu Miyano, a citizen of United States, having an address of 50 Dundee Lane, Barrington Hills, Illinois, United States, 60010-5106, requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

International Class 009: Machine Tools, Industry machinery instruments (exclude CNC Lathe/Automatic Lathe, Automatic Tapping Machine), Power machinery instruments, Wind & Water power machinery instruments, Office machinery instruments, other machinery instruments which are not specified above, and machine accessories and elements

Based on Foreign Registration: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services, and submits a copy of Japan registration number 200879, registered 12/18/1987 with a renewal date of 07/23/1997 and an expiration date of 12/18/2007, and translation thereof, if appropriate. 15 U. S.C. Section 1126(e), as amended.

Original PDF file:

Converted PDF file(s) (pages)

Original PDF file:

Converted PDF file(s) (pages)

Original PDF file:

Converted PDF file(s) (pages)

Original PDF file:

Converted PDF file(s) (pages)

The Trademark Office is directed to U.S. Registration No. 1,217,317, which is the subject of Cancellation no. 92047422, and Application no. 77/176,918. Also, Tom Miyano, also known as Toshiharu Miayno, is owner of Japanese registration no. 2008979 as the legal heir to Sumiko Miyano. Supporting documentation and translations thereof are available.

The applicant hereby appoints Vernon W. Francissen, 53 W. Jackson Blvd., Suite 1320, Chicago, Illinois, United States, 60604 to submit this application on behalf of the applicant. The attorney docket/reference number is HTC07-001TM.

Correspondence Information: Vernon W. Francissen

53 W. Jackson Blvd., Suite 1320

Chicago, Illinois 60604 312-294-9980(phone) 312-275-8772(fax)

vern@francissenpatentlaw.com (authorized)

A fee payment in the amount of \$325 has been submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Thomas Miyano/ Date Signed: 12/13/2007

Signatory's Name: Tom Miyano Signatory's Position: Owner RAM Sale Number: 3001

RAM Accounting Date: 12/14/2007

Serial Number: 77351695

Internet Transmission Date: Thu Dec 13 17:59:46 EST 2007 TEAS Stamp: USPTO/BAS-68.251.69.171-2007121317594627

3923-77351695-400a6bba519f71fc8a60f2b291 cc9e9e89-CC-3001-20071213164226929807



穿	Š	-		表		示		部
長示番号	登		録		事		項	
(付記)	出願年月日	昭和59	年10月22	2 日		出願番号	5 9 - 1 1 (859
1 11	出願公告年月日	昭和62	年 5月20	日 日		出願公告番号	6 2 - 0 3 2	2638
	査定年月日	昭和62	年 8月2	1日				
	XX連合商標XX							
	商品の区分	第9類						
	指定商品	機械器具	器具(但し、 、事務用機材 属品、機械要	成器具、そ	≹、自動タツト この他の機械器	プングマシンを除 器具で他の類に属	く)動力機械器 しないもの、こ	器具、風水が これらの部品
						登録年月日	昭和62年1	2月18日
2番		間の更新登録】 平成 9年	7月23日			登録年月日	平成 9年	8月19日
3番	【商標権 審判請求年月 請求の趣旨	取消し審判の予 日 平成17 登録第2	年 4月14	(抹消) 4日 9号商標の	審判番号)登録を取り消	200 背す、との審決を 登録年月日	5-30424 求める 平成17年	
4番	審判番号 取下年月日	求の取下げ登録 2005 平成17年1 の予告登録の抹	-30424 2月 2日	1		登録年月日	平成17年1	2月12月
通	合	商標	登	録	番 号	記	録	部
第044	11256号	第198302	0号					
登	Ž.	録	料		記	録		部
録料	金額 151000	円 納付日 平	成 9年 7月2	3日				
10年分		甲				区		
10年分			録		事		項	
位番号	登		4114		宫野澄子	数据在日日	177∓n € 9 &= 1	2月18日
位番号		2丁目8番33	号			全球 年月日	昭和02年1	- m 11 7 m t
預位番号 (付記)		2丁目8番33	号			登録年月日	昭和 0 2 平 1	071101

上記は商標登録原簿に記録されている事項と相違ないことを 認証する。 平成19年11月19日

経済産業事務官 吉 越

Case 1:08-cv-00526 Documentified 01/24/2008 Page 9 of 32

Koichi Yamamoto

10/24/2007

Document D

Inheritance tax report

Date of inheritance: December 26, 2002

Suffering successor:

Name: Sumiko Miyano Date of Birth: April 6, 1923

Address: Ueda-shi Chuo kita 2-8-33

Successor:

Name: Toshiharu Miyano Date of Birth: June 12, 1949

Address: 50 Dundee Lane, Barrington Hills, IL USA

Telephone number: 1-847-381-4371

Tax accountant 's office address, certification stamp, telephone number:

Prepared by Yoshihiro Kasuga, Tax Accountant with certification stamp Hanishina-gun Sakaki-cho Sakaki 1975

Enclosed: Document of Certified Tax Accountant Law - Article 30

Certified stamp Accepted by Ueda Tax Office October 24, 2003

Inheritance Property List

Item	Content	Assessed Value
Trademarks rights	Miyano Trademarks rights	N/A

(111)【登録番号】

第2008979号

(151)【登録日】

昭和62年(1987)12月18日

(210)【出願番号】

商願昭59-110859

(220)【出願日】

昭和59年(1984)10月22日

【先願権発生日】昭和59年(1984)10月22日

【最終処分日】

【最終処分種別】

【出願種別】

【商標(検索用)】

(541)【標準文字商標】

(561)【称呼】

(531) 【ウィーン図形分類】 3.7.17; 27.5.1.13; 27.5.8; 27.5.21

(732)【権利者】

【氏名又は名称】宮野澄子

【類似群】09A01 09A02 09A03 09A05 09A06 09A07 09A08 09A09 09A10 09A11 09A12 09A13 09A41 09A42 09A43 09A44 09A45 09A46 09A47 09A48 09A59 09A61 09A62 09A63 09A64 09A65 09A66 09A67 09A68 09A69 09A70 09A71 09A99 09B01 09B02 09C01 09D01 09E11 09E12 09E19 09E21 09E22 09E23 09E24 09E25 09E26 09E27 09E28 09E29 09E99 09F01 09F02 09F03 09F04 09F05 09F06 09F07 09G01 09G02 09G03 09G04 09G05 09G06 09G07 09G08 09G49 09G51 09G52 09G53 09G54 09G55 09G56 09G57 09G58 09G59 09G60 09G61 09G62 09G63 09G64 09G65 09G99

【法区分】昭和34年法

(500)【区分数】1

- (511)(512)【商品及び役務の区分並びに指定商品又は指定役務】
 - 9 産業機械器具(但し、自動旋盤、自動タツピングマシンを除く)動力機械器具、風水力機械器具、事務用機械器具、その他の機械器具で他の類に属しないもの、これらの部品および附属品、機械要素



Case 1:08-cv-00526

Trademark Application / Registration Information Search (Descriptive View)

(111) [Registration Number]

2008979

(151) [Registration Date]

Showa62 (1987) 12.18 (1987 DEC.18)

(210) [Application Number]

ShoGanSho59-110859

(Trademark

Application

Sho59-110859

(220) [Application Date]

Showa59 (1984) 10.22 (1984 OCT.22)

[First Right of Use Generation Date] Showa59 (1984) 10.22 (1984) OCT.22)

[Final Disposal Date] [Final Disposal Type]

[Application Type]

[Trademark (For Search)]

(541)[Normal Text Trademark]

(561)[Name]

(531)[Uen Figure Classification] 3.7.17; 27.5.1.13; 27.5.8; 27.5.21

(732)[Entitled to]

[Full Name or Name] Miyano, Sumiko

[Similar Group]

 $09A01\ 09A02\ 09A03\ 09A05\ 09A06\ 09A07\ 09A08\ 09A09\ 09A10\ 09A11\ 09A12$ $09A13\ 09A41\ 09A42\ 09A43\ 09A44\ 09A45\ 09A46\ 09A47\ 09A48\ 09A59\ 09A61$ $09A62\ 09A63\ 09A64\ 09A65\ 09A66\ 09A67\ 09A68\ 09A69\ 09A70\ 09A71\ 09A99$ 09B01 09B02 09C01 09D01 09E11 09E12 09E19 09E21 09E22 09E23 09E24 $09E25\ 09E26\ 09E27\ 09E28\ 09E29\ 09E99\ 09F01\ 09F02\ 09F03\ 09F04\ 09F05$ 09F06 09F07 09G01 09G02 09G03 09G04 09G05 09G06 09G07 09G08 09049 $09G51\ 09G52\ 09G53\ 09G54\ 09G55\ 09G56\ 09G57\ 09G58\ 09G59\ 09G60\ 09G61$ 09G62 09G63 09G64 09G65 09G99

[Law Classification] Showa 34(1959) Law



MIYANO MACHINERY INC. 940 N. CENTRAL AVE.

WOOD DALE

IL 60191

Ph 630-766-4141

Fax 630-860-7266

REMIT TO

MIYANO MACHINERY INC. 940 N. CENTRAL AVENUE WOOD DALE, IL 60191

INVOICE

F.E.I.N. 36-2819863

Bill To Ship To 441314 483130

441314 TRW AUTOMOTIVE*

P.O. BOX 94885

TRW - SSEG LSD STERLING PLANT

34201 VAN DYKE

CLEVELAND OH 44101-4885

STERLING HTS. MI

MI 48312

ATTN: STORE SUPPLY

Ship Via Location **Order Date Ship Date Invoice Date** Terms 06/26/2003 06/26/2003 **DK TRANS-COLLECT** 1 02/19/2003 NET 30 Customer PO Order Num Reference Invoice Number **Ordered By Dealer PO** Type A1701116620 67564 INVOICE 41613

Product	Description	Quantity	Price	Gross	Discount	Net
MACHINE REPAIR	IN HOUSE REPAIR REBUILD OF BNC-34T, S/N BN3275TU.	1			0.00	SHOUNES
FREIGHT	SHIPPING DK TRANSPORTATION(BRIGADOON)	1	0.00	0.00	0.00	0.00

Invoice total

Notes

Signed By

Service Charge: Invoice amount must be received by Miyano ON OR BEFORE 07/26/2003 or a service charge of 1.5% will be charged per month and your account will be placed on CREDIT HOLD.

Doc#: ADA-F1611-SctReprort3

Rev#: 1 / 25 Jul 2002





4	Description	Quantity	Price	Gross	Discount	
E S	IN HOUSE REPAIR REBUILD OF BNC-34T, S/N BN3275TU.	-			0.00	
누	SHIPPING DK TRANSPORTATION(BRIGADOON)	-	0.00	00.00	ase 1:08-	256 1:09
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1	Signed By: //	In the second	les /	1		



HELMUT EIFERT
GERALO L. MOREL
MARY W. SHELLENBERG
JERROLD E. FINK
JOSEPH S. PARISI
COLIN HARA
KEITH WALTER GROEBE
THOMAS A. KIEPURA
GARY D. SANTELLA
BRYAN Y. FUNAI
NANCY E. SASAMOTO
STEPHEN M. PROCTOR
DAYNE KONO
TARA GILL
EDWARD J. UNDERHILL EDWARD J. UNDERHILL CHERYL F. GERTLER ELDON H. KAKUDA PAULA K. DAVIS

Masuda, Funai, Eifert & Mitchell, Ltd.

ATTORNEYS AT LAW 134 North LaSalle Street 17th Floor CHICAGO, ILLINOIS 60602 Telephone (312) 977-9500 Telecopies (312) 558-1155 Telecopies (312) 558-1058

THOMAS MASUDA (1905-1986)

SUBURBAN OFFICE TWO CONTINENTAL TOWERS 1701 GOLF ROAD SUITE 403 ROLLING MEADOWS, IL 60008 Telephone (312) 977-9500 Telecopies (312) 952-8825

April 27, 1988

Commissioner of Patents and Trademarks Department of Commerce Washington, D.C. 20231

Re: Application for Registration Trademark: "MIYANO" Int. Class No. 7 Applicant: Miyano Machinery USA Inc.

Dear Sirs:

Please find enclosed herewith the following:

Application for Registration for Trademark, "MIYANO", in Int. Class No. 7, together with five specimens thereof, and our check for the registration fee in the amount of \$200.00.

There is also enclosed a self-addressed stamped postcard to be used as our receipt of the above. We would appreciate your processing this application and look forward to a favorable response in this matter.

Very truly yours,

MASUDA, FUNAI, EIFERT & MITCHELL, LTD.

Nancy E. Sasamoto

NES: lar: 2704 Enclosures

Case/1208-cv-00526

Document 1-6 Filed 01/24/2008 Page 19



APPLICATION FOR REGISTRATION OF TRADEMARK ON CIPAL REGISTER ESTABLISHED BY THE ACT OF JULY 5, 1946

Trademark: MIYANO

Int. Cl. No.: 7

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

Miyano Machinery USA Inc 940 North Central Avenue Wood Dale, Illinois 60191/

The above-identified applicant is an Illinois corporation and has adopted and is using the trademark shown in the accompanying drawing for

Machines and machine tools - namely, turning centers, lathes, vertical machining centers and all parts therefor

and requests that said mark be registered in the United States Patent and Trademark Office on the Principal Register established by the act of July 5, 1946.

The trademark was first used on January 9, 1975; was first used in interstate commerce on January 9, 1975; and is now in use in such commerce.

The mark is used by applying it to product and cartons containing the product and five (5) specimens showing the mark as actually used are presented herewith.

"MIYANO" is a Japanese family name and has no particular English translation.

The applicant is the owner of registration numbers: 1,217,316; 1,217,317 and 1,473,925.

Applicant hereby appoints Masaru Funai, Helmut Eifert, Mary W. Shellenberg, Joseph S. Parisi and Nancy E. Sasamoto, members of the Bar of the State of Illinois practicing under the firm name of Masuda, Funai, Eifert & Mitchell, Ltd. 134 North LaSalle Street, Suite 1700, Chicago, Illinois 60602, either individually or collectively, its attorneys with full power of substitution and revocation, to prosecute this application to register, to transact all business in the Patent and Trademark Office in connection therewith, and to receive the certificate of registration.

Nancy E. Sasamoto, whose postal address is Suite 1700, 134 North LaSalle Street, Chicago, Illinois 60602, is hereby designated applicant's representative upon whom notices or processes in proceedings affecting the mark may be served.

Toshiharu Miyano states that he is the President of applicant corporation and is authorized to execute this affidavit on behalf of said corporation; he believes said corporation to be the owner of the trademark sought to be registered; to the best of his knowledge and belief no other person, firm, corporation or association has the right to use said mark in commerce, either in the identical form or in such near resemblance thereto as to be likely, when applied to the goods of such other person, to cause confusion, or to cause mistake, or to deceive; and the facts set forth in this application are true; and further, these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and such willful false statements may jeopardize the validity of the application or document or any registration resulting therefrom.

MIYANO MACHINERY USA, INC.

BY: Toshiharu Miyano, President

DATED: <u>April 7</u>, 1988





First Use: January 9, 1975

PRIOR US CI

First Use in Commerce: January 9, 1975

Machines and machine tools - namely, turning centers, lathes, vertical machining centers and all parts, Goods:

therefor

Masuda, Funai, Eifert & Mitchell, Ltd. 134 North La Salle Street, Suite 1700 Attorneys:

Chicago, Illinois 60602

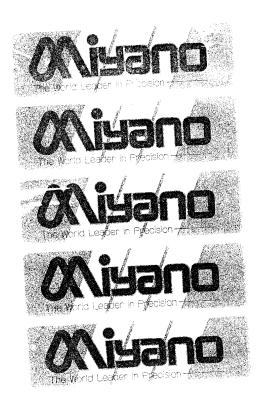
MIYANO

1529343 "REGISTERED"

MAR 1 4 1969

PAT. & T.M. OFFICE





Document 1-6 Filed 01/24/2008

ase 1:08-cv-00526

650153



APPLICATION FOR REGISTRATION OF TRADEMARK ON INCIPAL REGISTER ESTABLISHED BY THE ACT OF JULY 5,

> Trademark: MIYANO THE WORLD LEADER IN PRECISION

Int. Cl. No.: 7

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

Miyano Machinery USA Inc. 940 North Central Avenue Wood Dale, Illinois 60191

> The above-identified applicant is an Illinois corporation and has adopted and is using the trademark shown in the accompanying drawing for

Machines and machine tools - namely, turning centers, lathes, vertical machining centers and accessories there to,

and requests that said mark be registered in the United States Patent and Trademark Office on the Principal Register established by the act of July 5, 1946. 20193 0192

The trademark was first used on October 1, 1985; was first used in interstate commerce on October 1, 1985; and is now in use in such commerce.

The mark is used by applying it to product and cartons containing the product and five (5) specimens showing the mark as actually used are presented herewith.

"MIYANO" is a Japanese family name and has no particular English translation.

Applicant hereby appoints Masaru Funai, Helmut Eifert, Mary W. Shellenberg, Joseph S. Parisi and Nancy E. Sasamoto, members of the Bar of the State of Illinois practicing under the firm name of Masuda, Funai, Eifert & Mitchell, Ltd., 134 North LaSalle Street, Suite 1700, Chicago, Illinois 60602, either individually or collectively, its attorneys with full power of substitution and revocation, to prosecute this application to register, to transact all business in the Patent and Trademark Office in connection therewith, and to receive the certificate of registration.

Nancy E. Sasamoto, whose postal address is Suite 1700, 134 North LaSalle Street, Chicago, Illinois 60602, is hereby designated applicant's representative upon whom notices or processes in proceedings affecting the mark may be served.

Toshiharu Miyano states that he is the President of applicant corporation and is authorized to execute this affidavit on behalf of said corporation; he believes said corporation to be the owner of the trademark sought to be registered; to the best of his knowledge and belief no other person, firm, corporation or association has the right to use said mark in commerce, either in the identical form or in such near resemblance thereto as to be likely, when applied to the goods of such other person, to cause confusion, or to cause mistake, or to deceive; and the facts set forth in this application are true; and further, these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and such willful false statements may jeopardize the validity of the application or document or any registration resulting therefrom.

MIYANO MACHINERY USA INC.

7: //

Toshihary Miyano, President

DATED: Tylarch 11 , 1987

PRIOR U.S. CL.

997 Miyano Machinery USA Inc 940 North Central Avenue Wood Dale, Illinois 60191

First Use: October 1, 1985

First Use in Commerce: October 1, 1985

Machines and machine tools - namely, turning centers, lathes, vertical machining centers and all parts, Goods:

attachments and accessories therefor,

Masuda, Funai, Eifert & Mitchell, Ltd. 134 North La Salle Street, Suite 1700 Attorneys:

Chicago, Illinois 60602

MIYANO THE WORLD LEADER IN PRECISION

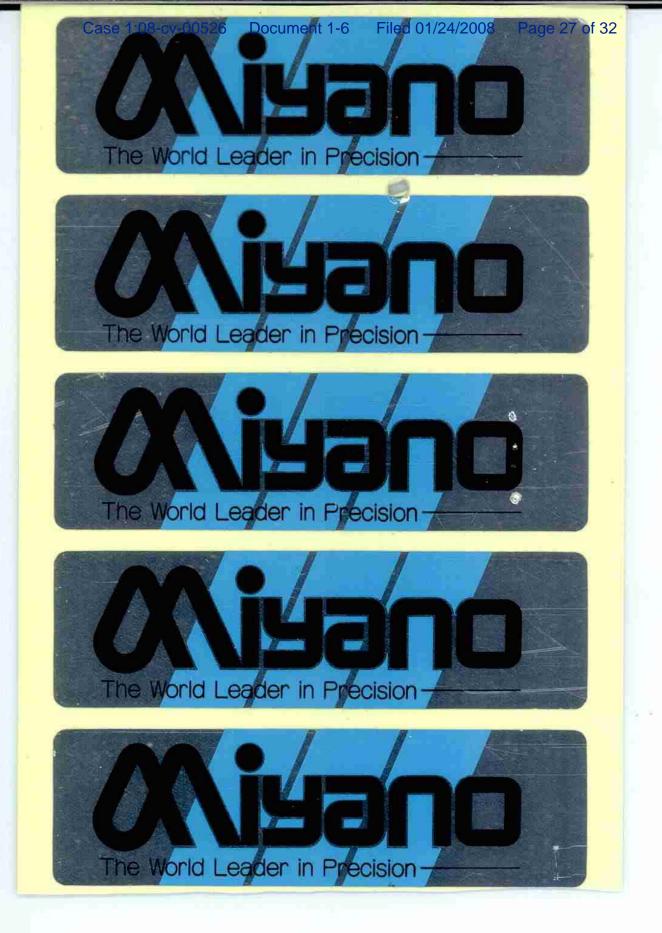
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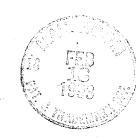
REGISTERE JAN261988 PATRIMONIC

PUBLISHED

OCT 131997







IN THE UNITED STATES PATENT AND TRADEMARK OFFICE POST REGISTRATION SECTION

International Class No.: 7

Owner: Miyano Machinery USA Inc.

Trademark: THE WORLD LEADER IN PRECISION

Registration No.: 1,473,925

Registration Date: January 26, 1988

COMBINED DECLARATION UNDER SECTIONS 8 AND 15

TOSHIHARU MIYANO the is he declares that of MIYANO MACHINERY USA INC., an PRESIDENT Illinois corporation, having its principal place of business at 940 North Central Avenue, Wood Dale, Illinois 60191, and is authorized to execute this Declaration on behalf of corporation; that Miyano Machinery USA Inc. owns the aboveidentified registration issued on January 26, 1988, as shown by records in the Patent and Trademark Office; that the mark shown herein has been in continuous use in interstate commerce for five consecutive years from the date of the registration to the present on all of the goods specified in the Certificate of Registration:

MACHINES AND MACHINE TOOLS - NAMELY, TURNING CENTERS, LATHES, VERTICAL MACHINING CENTERS AND ALL PARTS THEREFORE.

that such mark is still in use in commerce as evidenced by the specimens included herewith showing the mark as currently used on the goods and on point of purchase displays; and there has been no final decision adverse to the Registrant's claim of ownership of such mark for such goods, or to the Registrant's right to register the same or to keep the same on the Principal Register, and that

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there are no proceedings involving said rights pending and not disposed of either in the Patent and Trademark Office or in the courts.

I declare further that all statements made herein are true and that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this document and the registration to which it relates.

Registrant hereby appoints Rebecca B. Lederhouse, Nancy E. Sasamoto and Joseph S. Parisi, all members of the Bar of the State of Illinois and practicing under the firm name of Masuda, Funai, Eifert & Mitchell, Ltd., One East Wacker Drive, Suite 3200, Chicago, Illinois 60601-1802, either individually or collectively, attorneys for said registrant with full power of substitute and revocation to file this declaration and to transact all business in the Patent and Trademark Office in connection therewith.

MIYANO MACHINERY USA INC.

BV.

TITLE:

PRESIDENT

Dated: Feb. 8, 1993

RBL:cmp 2260\tradmark\00390001.RL8

